

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION  
DAYTON, OHIO  
CIVIL DIVISION**

**WILLIE DOW** : **CASE NO.: 3:07 CV 0399**  
**922 Dustin Avenue**  
**Dayton, Ohio 45402** : **JUDGE ROSE**

**Plaintiff,** :

**vs.** :

**KAPPA KAPPA PSI FRATERNITY, et al.:**  
**National Honorary Band Fraternity, Inc.**  
**National Headquarters Chapter** :  
**P.O. Box 849**  
**Stillwater, OK 74076-0849** :

**Defendants.** :

**AMENDED  
PLAINTIFF'S STATUS REPORT**

By order of this Court on January 22, 2009, Plaintiff was ordered to file a Status Report with this Court. As of this date, all action in this Court is currently stayed while the parties involved have pursued Discovery and Depositions through the Greene County Court of Common Pleas, which is Case No. 2008 CV 0280 in front of Judge Campbell, which involves essentially the same parties and facts.

As to Discovery in the State case, all first (initial) requests for Discovery of Documents, Affirmations and Denials, and Interrogatories have been completed by most parties. There may be additional requests as more information comes to light in continued depositions.

As to Depositions in the State case, the Defendants have deposed our client, Willie Dow. Plaintiff has deposed most of the fraternity members that presided over the

initiation rituals of our client, Willie Dow. As to the national officers of the national Headquarters of Kappa Kappa Psi, Plaintiff has not deposed these officers as of this date. We were scheduled to depose certain officers on January 26, 2009 and February 2, 2009, but Plaintiff had to cancel due to trial conflict.

On March 10, 2009, all parties involved are scheduled for a Mediation Session with the Greene County Court of Common Pleas. We cannot speculate as to the outcome of this Mediation Session.

In addition, we are currently involved in the Discovery process in the Ohio Court of Claims concerning our client and Central State University in Case No. 2008-02649 in front of Judge Clark B. Weaver.

Finally, we must notify the Court that our client, Willie Dow, who is an active-duty Regular US Army soldier of the 10<sup>th</sup> Mountain Division, is currently deployed in Iraq. Plaintiff's counsel does not know when our client will return to the Continental United States (CONUS) so that he will be available for defendants and this Court. This may – eventually – trigger a stay of proceedings under the Soldier and Sailors' Relief Act.

In closing, Plaintiff reports that we are moving forward in the Greene County case, and will attend the Mediation Session on March 10, 2009. Your Honor, we respectfully request that this case remain stayed in your US District Court while we move forward in Greene County Court of Common Pleas.

**Respectfully Submitted,**

\_\_\_\_\_/s/\_\_\_\_\_  
**Christopher M. Cooper (0028970)**  
**Crysta R. Pennington (0077838)**  
**Paul E. Morrison (0078719)**

**Attorneys for Plaintiff**  
**Christopher M. Cooper Co., LPA**  
**3055 Cleveland Avenue**  
**Columbus, Ohio 43224**  
**614-447-0225**